

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re FIRSTENERGY CORP. SECURITIES	)	No. 2:20-cv-03785-ALM-KAJ
LITIGATION	)	
_____	)	<u>CLASS ACTION</u>
	)	
This Document Relates To:	)	Judge Algenon L. Marbley
	)	Magistrate Judge Kimberly A. Jolson
ALL ACTIONS.	)	
_____	)	

PLAINTIFFS' RESPONSE TO FIRSTENERGY'S NOTICE  
OF ORAL ARGUMENT DATE ON APPEAL

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Only one month ago, the Special Master reminded defendant FirstEnergy Corp. (“FirstEnergy”) that notices are to be provided to the Court without argument. 5/2/24 Special Master Order, ECF 651 at PageID 14240. Yet, today, FirstEnergy filed a notice of the date for oral argument (July 17, 2024) in FirstEnergy’s appeal of the Court’s class certification order as a pretext for arguing that this date means “a decision should follow shortly thereafter,” which means “any concerns regarding delay should now be alleviated.” FirstEnergy’s Notice, ECF 665 at PageID 14458. Even if FirstEnergy had a basis for its timing assurance (it does not), this is all the more reason to deny FirstEnergy’s motion to stay proceedings now, as doing so will require FirstEnergy, as well as third parties Energy Harbor and Samuel C. Randazzo/Sustainability Funding Alliance of Ohio, Inc., to produce documents they were ordered to produce months ago (4/5/23 Order, ECF 440 at PageID 10059-60; 11/6/23 Special Master Order, ECF 554 at PageID 11994-2009; 11/20/23 Special Master Order, ECF 560 at PageID 12222-37; Special Master Compulsion Order, ECF 571 at PageID 12371-89). These discovery orders are unaffected by FirstEnergy’s appeal, but receiving the documents now will enable Plaintiffs and others to prepare to resume depositions. The parties could also start scheduling depositions, which is a lengthy process itself. Plaintiffs would commit to not schedule any depositions prior to August 1, 2024 – two weeks after the July 17, 2024 oral argument date.

DATED: June 3, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically on June 3, 2024. Notice of this filing will be sent to all electronically registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Joseph F. Murray

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